

women reckoned the years by their husbands, not by the consuls.<sup>1</sup> The women got equality by leveling downwards. "The new woman of Juvenal boldly claims a vicious freedom equal to her husband's." <sup>2</sup> These cases belong to the degeneration of the mores at the period. As they are astonishing, we are in danger of giving them too much force in the notion we form of the mores of that time. All the writers repeat them. "In the *Agricola*, and in Seneca's letters to Marcia and Helvia, we can see that, even at the darkest hour, there were homes with an atmosphere of old Roman self-restraint and sobriety, where good women wielded a powerful influence over their husbands and sons, and where the examples of the old republic were used, as Biblical characters with us, to fortify virtue." <sup>z</sup>

392. Rabbis on divorce. The school of the Rabbi Shammai said, "A man must not repudiate his wife unless he find in her actual immodesty.\* Rabbi Jochanan said, "Repudiation is an odious thing." Rabbi Eliezer said, "When a first wife is put away the very altar sheds tears." <sup>4</sup>

393. The early Roman mores about marriage were very rigid and pitiless. It was in the family, and therefore under the control of the head of the family. No law forbade divorce, because such a law would have been an invasion of the authority of the male head of the family, but the censors, in the name of public opinion, long prevented any frivolous dissolution of marriage. Few divorces occurred, and then only for weighty reason, after the family council had found them sufficient. There was some stain attaching to a second marriage, after the death of the first spouse. Even men were subject to this stain.<sup>5</sup>

394. Pair marriage and divorce. With the rise of pair marriage came divorce for the woman, upon due reason, as much as for the man. Hence freer divorce goes with pair marriage. Such must inevitably be the case, if it be admitted that any due reason for divorce ever can exist. The more poetical and

elevated the  
ideas are which are clustered around marriage, the  
more probable  
it is that experience will produce disappointment.  
If one spouse  
enters wedlock with the belief that the other is the  
most super-  
lative man or woman living, the cases must be very  
few in which

<sup>1</sup> *Epist.*, 95 ; *Consolation to his Mother*, 16.

<sup>8</sup> *Ibid.*, 188.

<sup>2</sup> Dill, *Nero to M. Aurel*, 87.

\* Cook, *Fathers of Jesus*,

II, 142.

<sup>5</sup> Grupp, *JKulturgesch. der Rom. Kaiserzeit*, 113.